

Under our law, no question can arise about the necessity for its being forest, or for its having the capacity to supply a special forest produce to satisfy a particular right.

Rights that can be provided for in kind, in a bit of the forest excluded from the reserve or forest estate settled, are not, under our system, held to have been commuted or compensated ; the site of their exercise has been shifted—perhaps very slightly so ; the soil of the part cut off remains the property of Government, but the produce of the tract is exclusively devoted to the supply of the right.

When, therefore, a grant of land is made in compensation for the right, it is in full proprietary right as a valuable property ; all that is looked to is that the land is really valuable; at least to the extent of the value of the right, as far as it can be estimated. It is no use offering a man a bit of salt or useless land on which nothing will grow ; but if it is cultivable land, he takes it and does what he likes with it. He may grow crops and make money, or he may turn it into meadow or grow roots or fodder, and so feed cattle that otherwise he would have required forest grazing for, just as he pleases. It may also induce him to give up cattle-breeding and take to agriculture. The diminution of pastoral industries and the encouragement of agriculture is always a great object in countries where the forest area is small and the rainfall scanty.

The wishes of the receiver of compensation should of course be consulted as to which form compensation should take. The Indian Act leaves the discretion to the Settlement Officer<sup>3</sup>. The Burma Act expressly says that land is given if the right-holder consents, i.e., if he does not wish for land, he is entitled, of right, to get money compensation<sup>4</sup>.

#### SECTION VIII.—EXTINCTION OF UNCLAIMED RIGHTS.

Before passing on to the final steps of the settlement, I must

<sup>3</sup> Act VII, 1878, sec. 15 (last line of the section).

<sup>4</sup> Act XIX, 1881, sec. 15.

notice that, having now dealt with all admitted rights, and either (a) provided for them *outside* the forest, or (b) left them properly regulated *inside* the forest, or (c) having bought them out altogether, no other rights can by any possibility remain in existence, in the background as it were, to give rise to future question.

The law gives the amplest opportunity to people to claim their rights, without any formality or bar in the first instance. They may come and make any verbal representation they please; both Forest Settlement and Forest Officer are on the spot and are accessible. Not only so, but the Settlement Officer will himself endeavour to find out if any rights not claimed, exist; he will act as the next friend of ignorant or timid people, and find out their rights for them. It is, of course, practically impossible that the wants of the people, and such claims as practically amount to rights and would be equitably recognized as such, should remain unknown. If they should, then such rights are declared to be extinguished<sup>5</sup>. This is absolutely necessary, and is in accordance with the jurisprudence of all modern nations. No forest would be safe, and no repression of trespass or other offences in future would be possible, if unsettled rights remained for ever looming in the background. The only possible plan is to take every precaution that all rights are ascertained, and having done everything that is possible in this respect, to declare that no rights not brought to light can be held to have any legal existence.

The law makes due provision for any accidental delay in presenting claims; as long as the final notifications have not actually been issued, any delay, reasonably accounted for, is overlooked, and the claim entertained and disposed of (Indian Act, section 9; Burma Act, section 19).

And further than this: to obviate any possible injustice, the local Government is always vested with a certain power (sec-

<sup>5</sup> Supposing them ever to have existed. This phrase is the most practically convenient. It might have been said "shall be deemed not to exist," but this would be awkward.